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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/708,790 | 03/25/2004 | Ralph Pittelkow | P7386.9US | 2789 |
| 30008 | 7590 | 03/28/2005 | EXAMINER | |
| GUDRUN E. HUCKETT DRAUDT | | | BOWER, KENNETH W | |
| LONSSTR. 53 | | | ART UNIT | |
| WUPPERTAL, 42289 | | | PAPER NUMBER | |
| GERMANY | | | 3653 | |

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,790

Applicant(s)

PITTELKOW, RALPH

Examiner

Kenneth W Bower

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitzel (US 4,269,405)

Mitzel (US 4,269,405) discloses a paper feeding unit (abstract), supporting member (3), transport element (2), rotary driven drum (12), transporting the stack (1) pretensioned by a spring (4), bearing (adjoining 4), axel (inside spring 4), transport unit connected to the bearing (lower end of 4) on the axel, abutment on the axel (adjacent 4), spring resting on abutment (below 4), pressure spring surrounding the axel (4), support unit (30), side of stack away from feed unit (above number 10), support unit and transport element connected (through the unnumbered framework of the device), feed unit is a belt (12), vacuum source (44) and passages (33).

Claims 1, 2, 6-11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Corniani et al. (US 6,290,453)

Corniani et al. (US 6,290,453) discloses a paper feeding unit (abstract), supporting member (5), transport element (32), rotary driven drum (18 driven by the sheets), transporting the stack (Fig. 1) pretensioned by a spring (50), support unit (16), side of stack away from feed unit (above number 10) and support unit, transport element connected (through the unnumbered framework of the device) and endless belt (5) supported on the transport member (16).

3. Claims 1, 2, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fick (DE 42 00 186 C1)

Fick (DE 42 00 186 C1) discloses paper feeding unit (Fig. 2), supporting member (36), transport element (44), rotary driven drum (58), transporting the stack (26)

pretensioned by a spring (70), sensor (80) and the supporting member is a slide moveable in the transport direction.

Allowable Subject Matter

4. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: A feed device having all of the limitations of claim 1 and 12 in combination with a light barrier sensor is not found nor is sufficient motivation to make the combination found in the art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W Bower whose telephone number is 703-306-4546. The examiner can normally be reached on 6:30AM to 3:30PM (out on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth W Bower
Examiner
Art Unit 3653

Application/Control Number: 10/708,790
Art Unit: 3653

Page 4

03/16/2005


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SUPERVISORY PATENT EXAMINER
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